



Appeal Decision

Site visit made on 17 October 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/N4720/D/22/3304753

5 Hallfield Avenue, Micklefield, Leeds LS25 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Johnston against the decision of Leeds City Council.
 - The application Ref 21/07387/FU, dated 1 September 2021, was refused by notice dated 17 June 2022.
 - The development proposed is described as single storey side extension with two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers at 7 Hallfield Avenue in regard to outlook.

Reasons

3. The appeal site is a semi-detached property with hip roof. It has a rear conservatory located to the side of the property's adjoining neighbour, 7 Hallfield Avenue (No 7). Both properties have modest sized rear gardens and there is a timber fence along the common boundary.
4. The proposal would consist of a part two storey, part single storey rear extension, single storey side extension and new canopy to the front door.
5. No 7 has windows at ground and first floor level which are close to the common boundary. While the existing conservatory does affect the outlook from the ground floor window of No 7, this is limited by it being offset from the boundary and it having a glazed unit to the top of the side wall facing No 7 and a low semi-clear glazed hip roof. Furthermore, due to its single storey height, the conservatory does not affect the outlook from No 7's first floor window.
6. In contrast the proposal would be located closer to the common boundary with No 7. It would present a part two storey and part single storey solid blank elevation facing No 7. This would be much more imposing and dominating than the existing conservatory and the proximity of the proposal to No 7 would significantly affect outlook from No 7's ground floor window and to a lesser extent the first floor window.
7. The Leeds Local Development Framework's Householder Design Guide 2012 (HDG) gives guidance on the design of part two storey and part single storey extensions without negatively impacting upon neighbours. This advises that for

the ground and first floor elements of an extension which are located on the common boundary then they should not extend more than 1m beyond a neighbouring rear elevation to comply with the 45-degree code. As the proposal would be located very close to the common boundary and would extend out from the rear elevation by over 1m both at ground and first floor levels then it would not comply with this requirement.

8. In conclusion, the proposal would adversely affect and harm the living conditions of the occupiers at 7 Hallfield Avenue with regard to outlook. It would conflict with Policy P10 of the Leeds Local Plan Core Strategy 2019, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006, and the HDG. These policies amongst other matters, seek development to protect residential amenity.
9. Paragraph 11 of the National Planning Policy Framework (Framework) sets out a presumption in favour of sustainable development. However, the Framework also explains that good design is a key aspect of sustainable development. I have outlined why the proposal does not amount to good design and therefore it does not amount to sustainable development in the widest sense of the definition provided by the Framework.

Other Matters

10. While I note that there is support for the proposal this positive comment relates to its appearance. This has not been raised as a reason for refusal. The proposal however, does adversely affect the occupiers at No 7's living conditions.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR